



APPROVED

## KITTERY PORT AUTHORITY

April 4, 2013 Meeting Minutes  
Council Chambers, Town Hall

Members Present: Bob Melanson, Chairman, Barry Bush, Ray Grenier, Kelly Philbrook, Steve Lawrence, Dan Arbo, Tom Smith  
Members Absent:  
Staff: Harbormaster Mike Blake

The meeting of April 4, 2013 was called to order at 6:02 p.m.

### 1. Pledge of Allegiance

### 2. Minutes: March 7, 2013

Mr. Bush moved to accept the minutes as submitted

Mr. Grenier seconded

Motion carried unanimously

### 3. Public Segment

Milton Hall:

- KPA Rule changes: When do they take effect? Mr. Melanson stated once the Authority moves to accept changes a public hearing is called and noticed. Following the public hearing, the Authority moves to approve the changes and add to the Rules and Regulations. Mr. Hall noted changes don't take effect immediately, but wait 30 days. It was noted the signature and date on recent changes were attesting the date the changes were made, not the date the changes were effective.
- Appeals: To be consistent with 16.6.2.C Town Code appeal period is 45 days.  
Mr. Melanson read Rule 80B(b): *The time within which review may be sought shall be as provided by statute, except that if no time limit is specified by statute, the complaint shall be filed within 30 days after notice of any action.* The Code states appeals may appeal within 45 days under 16.6.2.C. Discussion followed regarding consistency and the opportunity for additional time for an appeal. KPA appeals are rare, so consistency between KPA Rules and Town Code regulations.  
Ms. Philbrook moved to amend the KPA Rules and Regulations to provide for a 45 day appeal period to be consistent with Title 16.6.2.C  
Mr. Grenier seconded  
It was noted this does not change the appeal period for Harbormaster decisions  
Motion carried unanimously

Robert McDonough, Old Post Road: Asked about a launch service for removal of skiffs at the Town Pier. Mr. Melanson stated the BIG project will be discussed, and part of that dialogue will address the dinghy problem at the pier, though a launch service has not been formally proposed.

### 4. Budget Report – Mike Blake

- Year to date Operating Income and Expense - Mike Blake
- As of 3/31/13 total expended: \$95,701.86 includes \$17,457 expenses from 12/27/12 storm damage
- \$200 expense for float hardware
- Revenue: \$65,399.55
- 2014 Income and Expense
- Level funded at \$101,840
- Main Buildings Grounds Wharfs and Harbors line has been removed. Charges normally charged to this account will be tracked separately under individual lines.

- The storm damage expenses may be covered by an insurance claim.
- In an attempt to reach Zero Waste, Troiano has cut the trash hauling costs by more than half.
- Al D'Amico offered to pay for trash collection at the pier equal to \$172 per month if the Port Authority covers any additional pick-ups during the month. This would eliminate one dumpster at the site. Discussion followed regarding the potential for an increase in trash pickup because of restaurant use during busy weekends. Ms. Philbrook stated she is not in support of the offer as similar prior arrangements have resulted in increased expenses to the KPA. Mr. Hall noted a prior arrangement with Mr. D'Amico did not work well. Members concurred the Authority should maintain their own dumpsters.
- Mr. Smith stated the dumpster should be removed, replacing with recycling bins and a small trash can, requiring a carry-in-carry-out policy for trash.

5. Harbormaster Report

- Capsize in Spruce Creek
- Pier replaced in Pepperrell Cove
- 3-day Harbormaster School training in Castine, attended by Ray Grenier, Bob Melanson, Harbormaster, and Alan Breton
- Harbormaster has been recertified in CPR and first aid
- Met with DPW personnel on the Harbor Plan kickoff, and the BIG project
- 2013 wait list close to completion
- Reworking float hardware for a May 10 float-in
- Hope to place main float at Frisbee pier and gangway down soon
- Harbormaster skiff bottom has been painted and other improvements completed and ready to go
- Mooring invoices still arriving and wait list customers placed on re-assigned moorings

6. Marinas Piers and Floats;

- Preliminary Review: Barbara D'Antonio & Arthur Tournas 150 Whipple Rd. Construct a 10' x 12' Float, Agent is Sarah Newick of Water Wings.  
Sarah Newick stated all permits have been received except the building permit. She summarized the request to attach the float off an existing stairway off their property. There are existing pilings at the further out, evidence of an old pier. The new pier will be on skids and will remain year-round to be used for a small sailboat and kayak.

Mr. Grenier moved to accept the application

Ms. Philbrook seconded

Motion carried unanimously

Mr. Grenier moved to accept and schedule a public hearing on May 2, 2013

Ms. Philbrook seconded

Motion carried unanimously

- Preliminary Review: Duncan & Patricia McEahearn 124 Whipple Rd add a 6' x 15' extension to an existing pier. Agent is Zachery Taylor of Riverside Pickering Marine  
Agent was not present. Members agreed to proceed to the next item and defer this item to a later time.  
Mr. Taylor summarized this is an amendment to a prior KPA approval to add an extension to allow for extended use during tide changes. Float piles will be re-driven to allow for the extension. The current ramp length is 30 feet and the applicant would prefer not to extend the ramp an additional 15 feet. Applicant has submitted application to Submerged Lands, but has not had a response to date. Ms. Philbrook suggested a site walk be held. A site walk was scheduled for Thursday, April 25 at 5:00 p.m.

Ms. Philbrook moved to accept the application of Duncan and Patricia McEachern and schedule a public hearing on May 2, 2013.

Mr. Grenier seconded

Motion carried unanimously

- BIG Project: Preliminary Review: Peter Walsh summarized the project to date. The purpose of the project is two-fold:
  1. To provide infrastructure update to the fisherman's pier (Pepperrell Pier) and to upgrade the float system to accommodate six transient vessels 26-feet or greater and to provide for an additional six moorings for transient vessels. There will be an 80-foot ADA gangway and a pump-out station.
  2. Upgrade electric and water utility infrastructure as all the gauges, valves and shut-offs are currently in the basement of the restaurant. The Council requested this be remedied and to provide Town controlled utilities to the pier and Harbormaster shack. Trenched utilities will run down Bellamy Lane, including communications.

Funding is from US Department of Fish and Wildlife, including a \$90,000 match from the Town

Mr. Melanson reported they met with the Portsmouth Yacht Club on April 3 regarding the moorings in the Pepperrell Cove mooring field. The PYC has agreed to move their moorings elsewhere, and six of the moorings will be taken as part of the BIG project. This project needs to go to the Planning Department for consideration and review, but will be coming back to the KPA for a public hearing.

Mr. Lawrence asked about the pumping stations, and who will be running them.

Barney Baker, Baker Designs –

Pump out design is from Edson Pumps out of Boston. The state is providing 90% of the funding with the Town picking up 10%. The pump will be mounted on the float so effluent is pushed into holding tank in the parking lot rather than pulled. The pump is on a timer with a shut-off in Harbormaster's office. Pump outs are a state requirement for facilities serving more than 18 boats. A similar pump was installed in Falmouth on a dock which was problematic until moved to a float. A 2,000 gallon holding tank will be located under the parking area. The tank would need to be pumped out every 2 to 2 ½ weeks. Tom Allen, Kittery Point Yacht Club, testified they utilize a small Edson unit.

Ms. Philbrook asked how the pump would be detached in case the float needs to be removed, as well as electrical disconnection.

Mr. Baker explained there are quick disconnects similar to a fire hose at the top and bottom of the gangway and additional disconnects if crossing any floats. In the event of an approaching storm, the system would be turned off, flushed with salt water and disconnected very quickly. They are still working on methods for electrical disconnection. Secured electrical panels could be located at the top of the gangway and on pedestals on floats. To disconnect, the Harbormaster would turn off the electrical system, remove the lugs from the panels and pull the wires, coiling them onto the floats. Quick disconnects similar to the pump outs do not work well because they are expensive and must be replaced often due to the effects of salt water. Five pedestals are proposed, located to serve vessels on both sides of the floats, including one next to the pump out facility. The larger boats will be served by two, 50-amp and two, 30-amp receptacles on one pedestal, serving up to four boats. On the smaller pedestals, four, 30-amp receptacles will be installed. They are consulting with Eaton Power Supply to coordinate the electrical and power design. Each pedestal will have water and communications, possibly cable TV, and wi-fi. Mr. Melanson stated a business plan will need to be established for 2014, including how utility costs will be shared through docking fees.

Mr. Smith moved to accept the BIG project plan subject to all required permits and forward to the Planning Department for review.

Mr. Grenier seconded

Motion carried unanimously

- Fort Foster Pier Rehab – Preliminary Review – Repair and replacement  
Peter Walsh summarized the pier was determined unusable after a December 2012 storm. The Commissioner of Public Works has been in touch with MMA Insurance and FEMA, and there is indication that what insurance does not cover will be covered by FEMA. A bid package will be prepared with construction estimated to be completed by June 2013.

Ms. Philbrook moved to accept the application as complete

Mr. Bush seconded

Mr. Walsh stated the repair and replacement will include:

- Full replace of existing cross bracings under the pier
- Replace steel pilings tie downs on first five pier abutments
- Full replacement of decking
- Full replacement of hand rails and curbing
- Construct additional wing-walls to existing concrete abutment
- Install rip-rap at base of abutment
- Permitting to MDEP and an NRPA permit

The intent is to repair and replace in-kind what previously existed.

Motion carried unanimously

3. Projects:

- BIG Project (previously discussed)
- Storm Damage of 12-27-13 Project (previously discussed)
- Dredge Project: If this is to proceed for funding, a letter of intent needs to be completed. There is a meeting on 4/13 to discuss Wood Island Light. The ACOE was not supportive of beach re-nourishment with dredge proceeds.
- Rice Ave. Following the site walk it was determined to table at this time as it is too costly to make safe.
- Comprehensive Harbor Plan – A grant has been awarded to the Town. Wright-Pierce Engineers and DPW handling.

4. New Business:

- Marine Development Title 16.11. Mr. Melanson explained the existing Title 16 requires all permits be in place prior to submittal of applications to the KPA or other review authority. The change is to allow the permitting process to be on-going during local review. Mr. Bush explained applicant's can proceed at their own peril as state or federal approval may be denied. It was noted nothing can proceed locally without a building permit.

Ms. Philbrook moved to forward the proposed amendments to Title 16.11, Marine Related Development, to the Planning Board for review

Mr. Bush seconded

Motion carried unanimously

- Transient Moorings MRSA Title 38 – Previously discussed
- Boating Excise Taxes Title MRSA 36 - The Chairman and Harbormaster will discuss further.
- Kittery Mooring Fields

Does the Board wish to add additional moorings, such as in the Turning Basin area? The Harbormaster will check the waiting list for Badgers Island moorings. It was suggested to check with current wait list names to see if they would move to that area.

Tom Allen, Kittery Point Yacht Yard asked what the total waiting list is. The Harbormaster stated there are approximately 90. Discussion followed regarding the wait list issue. Mr. Hall asked about the Navy Yard moorings in the back channel area for new mooring locations.

5. Correspondence & Comments

- Water Guides Update. Mr. Grenier felt most of his questions have been answered, but felt there was no point in attempting to begin this season. However, he stated it would be a good idea to follow up with a webcam at the Harbormasters office and a quarter page ad. The ad will include the basic information, but a webcam would show the harbor in a positive light. For this season an ad may only be placed on the Water Guides website, not in print. Mr. Allen offered to meet with the Harbormaster to observe the Yacht Yard's system.

Mr. Smith left the meeting

6. Board Members – New & Old Business

Mr. Lawrence:

- Fishermen at Government Street worried about not having dumpster. He explained the abuse has prompted removal. A webcam at the site may help.
- Parking is too expensive for charter services from Pepperrell Cove. Would it be possible to provide parking at Mitchell School?

Ms. Philbrook:

- The Harbormaster Evaluation is overdue, as it is usually done in January or February. Mr. Melanson stated this will be discussed in Executive Session

Mr. Bush moved KPA move to Executive Session

Mr. Grenier seconded

Motion carried unanimously

The regular meeting of the KPA ended at 8:10 p.m.

7. Executive Session : Employee Planning 2013

8. Adjourn

The KPA meeting of April 4, 2013 adjourned at 8:50 p.m.

Submitted by Jan Fisk, April 16, 2013